IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 29TH MAY 2007 / 8TH JYAISHTA 1929

WP(C).No. 15768 of 2007(B)

PETITIONER:

FABIOLA SUNU, AGED 34 YEARS,
W/O.GEROGE SUNU, ARTHIYIL HOUSE, MARYANAD,
KADINAMKULAM, THIRUVANANTHAPURAM.

BY ADV. SRI.P.HARIDAS

RESPONDENTS:
---

1. THE DISTRICT COLLECTOR,
THIRUVANANTHAPURAM.

2. KERALA STATE ELECTRICITY BOARD
REPRESENTED BY ITS SECRETARY, THIRUVANANTHAPURAM.

3. THE EXECUTIVE ENGINEER,
K.S.E.B. KAZHAKKOOTTAM.

4. THE ASSISTANT EXECUTIVE ENGINEER,
K.S.E.B., NARAYAPURAM.

5. THE CIRCLE INSPECTOR OF POLICE,
KADINAMKULAM.

6. KADINAMKULAM GRAMA PANCHAYATH
REPRESENTED BY ITS SECRETARY.

7. L.MICHAEL @ DAVIDSON,
ARTHIYIL PUTHENPURAYIL HOUSE,
MARYANAD, KADINAMKULAM.

R2 TO 4 BY ADV. SRI.JOSE J. MATHIEAKAL, SC
R7 BY ADV. SRI.M.SREEKUMAR

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 29/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF ROUGH SKETCH.

P2: TRUE COPY OF PHOTOGRAPH SHOWING THE PROPOSED SITE OF INSTALLATION.

P3: TRUE COPY OF MASS PETITION SUBMITTED BY GENERAL PUBLIC.

P4: TRUE COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER.

P5: TRUE COPY OF REPRESENTATION SUBMITTED BY PETITIONER BEFORE RESPONDENTS 1,3 AND 4.

P6: TRUE COPY OF NEWS ITEM APPEARED IN MANGALAM DAILY DT.18TH MAY 2007.

P7: .DO. MATHRUBHUMI DAILY DT.19.5.2007.

P8: TRUE COPY OF THE NEWS ITEM APPEARED IN MALAYALA MANORAMA DAILY DT.20.5.2007.

P9: TRUE COPY OF THE STOP MEMO ISSUED BY THE PANCHAYAT TO R7.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....

W.P.(C) No.15768 of 2007

.....

Dated this the 29th day of May, 2007.

JUDGMENT

The petitioner has raised objection against installation of transformer, though on the road side, in front of her property. Even though petitioner's case is that the transformer is exclusively for the benefit of the 7th respondent, Standing Counsel for KSEB submitted that the transformer is required to serve the entire area and therefore, it has to be installed at the load centre for distribution to the area. I do not think petitioner can have any objection on this. However, the transformer should be located in such a way as to avoid blockage of access to petitioner's property. If possible, it should be erected at the boundary of two land owners so that the inconvenience is shared between neighbouring owners on road side. Since the statutory authority to consider objections and order shifting is the Additional District Magistrate, I dispose of the W.P. by directing the A.D.M., Trivandrum to arrange for immediate inspection of the location after notice to the petitioner and 7th respondent and mark the location for the KSEB to instal the transformer without any delay. I make it clear that the transformer should not be located in front of the property of any other

party without considering their objection to avoid further litigation. However, if the transformer is exclusively for the benefit of 7th respondent and if it is technically possible to instal it in his property, then the KSEB should instal the transformer in his property.

C.N.RAMACHANDRAN NAIR
Judge

pms